

### Subpart G—Implementing Regulations for the North American Free Trade Agreement

**AUTHORITY:** Sec. 777(d) of the Tariff Act of 1930 (19 U.S.C. 1677f (d)); secs. 402(g), 405 of the North American Free Trade Agreement Implementation Act (107 Stat. 2057, Pub. L. 103-182, Dec. 8, 1993).

**SOURCE:** 59 FR 5097, Feb. 3, 1994, unless otherwise noted.

#### § 207.90 Scope.

This subpart sets forth the procedures and regulations for implementation of Article 1904 of the North American Free Trade Agreement under the Tariff Act of 1930, as amended by title IV of the North American Free Trade Agreement Implementation Act (19 U.S.C. 1516a and 1677f). These regulations are authorized by section 402(g) of the North American Free Trade Agreement Implementation Act and 19 U.S.C. 1335.

#### § 207.91 Definitions.

As used in this subpart—

*Administrative Law Judge* means the United States Government employee appointed under section 310(f) of title 5 of the United States Code to conduct proceedings under this part in accordance with section 554 of title 5 of the United States Code;

*Agreement* means the North American Free Trade Agreement entered into among Canada, the United States of America and the United Mexican States ("Mexico"); or, with respect to binational panel proceedings between Canada and the United States underway as of the date of enactment of the Agreement, or any binational panel proceedings that may proceed between the United States and Canada following any withdrawal from the Agreement by the United States or Canada, the United States-Canada Free Trade Agreement entered into between the Government of Canada and the Government of the United States of America, effective as of January 1, 1989;

*Article 1904 Rules* means the Rules of Procedure for Article 1904 Binational Panel Reviews adopted by the United States of America, Canada and Mexico pursuant to the Agreement, or where applicable under the Agreement, the

Rules of Procedure for Article 1904 Binational Panel Reviews adopted by the United States of America and Canada pursuant to the United States-Canada Free Trade Agreement, as amended;

*Canadian Secretary* means the Secretary of the Canadian section of the Secretariat and includes any person authorized to act on the Secretary's behalf;

*Charged party* means a person who is charged by the Commission with committing a prohibited act under 19 U.S.C. 1677f(f)(3);

*Clerical person* means a person such as a paralegal, secretary, or law clerk who is employed or retained by and under the direction and control of an authorized applicant;

*Commission* means the United States International Trade Commission;

*Commission Secretary* means the Secretary to the Commission;

*Complaint* means the complaint referred to in the Article 1904 Rules;

*Counsel* means persons described in the definition of *counsel of record* in Rule 3 of the Article 1904 Rules or the ECC Rules, and counsel for an interested person who plans to file a timely complaint or notice of appearance in the panel review.

*Date of Service* means the day a document is deposited in the mail or delivered in person;

*Days* means calendar days, but if a deadline falls on a weekend or United States federal holiday, it shall be extended to the next working day;

*Extraordinary challenge committee* means the committee established pursuant to Annex 1904.13 of the Agreement to review decisions of a panel or conduct of a panelist;

*ECC Rules* means the Rules of Procedure for Article 1904 Extraordinary Challenge Committees adopted by the United States of America, Canada and Mexico, or where applicable, the Rules of Procedure for Article 1904 Extraordinary Challenge Committees adopted by the United States of America and Canada pursuant to the United States-Canada Free Trade Agreement, as amended;

*Final determination*, means "final determination" under Article 1911 of the Agreement;